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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,024	12/31/2003	Seouk Kyoung Jang	11036-047-999	3687

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EXAMINER

LE, DAVID D

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. <u>10/751,024</u>	Applicant(s) <u>JANG ET AL.</u>	
	Examiner <u>David D. Le</u>	Art Unit <u>3681</u>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 06/04/04.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the first Office action on the merits of Application No. 10/751,024, filed on 31 December 2003. Claims 1-3 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Declaration and Power of Attorney, received on 06/04/04
 - Foreign Priority Document, received on 06/04/04
 - Information Disclosure Statement, received on 06/04/04

Specification

3. The disclosure is objected to because of the following informalities: The present specification appears to disclose a well known brazed coupling method but refers as "blazing coupling method" through out the instant specification. It is unclear whether applicant has invented a new name for a well-known process or a newly invented process.

Appropriate correction is required.

Claim Objections

4. Claims 1-3 are objected to because of the following informalities:

Claim 1:

- Line 6, "blazing-coupled" should be --brazing-coupled--.

Claim 2:

- Lines 1-2, “blazing material insertion holes” should be --brazing material insertion holes--; and
- Line 3, the second recited “of the” should be deleted.

Claim 3:

- Lines 4 and 6, “blazing conjugation process” should be --brazing conjugation process--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 3:

- Line 6 recites the limitation “a blazing conjugation process”. It is unclear whether this blazing conjugation process is different from the one, which is previously on line 4 of the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese**

Patent Publication No. 2000-109907 to Okamura Takami.

Claims 1-3:

Takami (Figs. 1-5; paragraphs [0001]-[0033]; and abstract) discloses a brazing joined sintered part of a planetary carrier comprising:

- A boss part (1) having a spline at an inner surface thereof;
- A flange part (20) coupled with the boss part and supporting a pinion;
- Wherein the boss part except for a center portion in which the spline is formed includes a circular plate (see Fig. 1);
- Wherein a plurality of bridges (10) are formed on an upper surface of the flange part at regular intervals, and a lower surface of the boss part is brazing-coupled with an upper surface of the plurality of bridges, and a pinion installation space is formed between adjacent bridges (see Figs 1 and 5);
- Wherein a plurality of brazing material insertion holes (7) are formed at a coupling portion of the boss part, the coupling portion coupling with the upper surface of the plurality of bridges (see Fig. 1); and

- Wherein at least three fixing protrusions (6) and fixing recesses (12) are formed on the coupling surface of the boss part and the plurality of bridges for preventing movement between the boss part and the flange part during a brazing conjugation process (see Figs. 1, 3, and 4).

Note:

Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shattuck et al. (U. S. Patent No. 6,561,945) teaches a laminated carrier assembly using brazing process, as shown in Fig. 3.
- Zelikov et al. (U. S. Patent No. 6,702,711) teaches a carrier assembly as shown in Fig. 1.

- Stewart (U. S. Patent No. 5,827,147) teaches a planetary carrier assembly as shown in Fig. 1.
- Ishida et al. (U. S. Patent No. 5,593,360) teaches a planetary gear system as shown in Fig. 3.
- Fan (U. S. Patent No. 5,470,286) teaches a reaction carrier assembly as shown in Fig. 1.
- Ohkubo et al. (U. S. Patent No. 6,609,993) teaches a planet carrier as shown in Fig. 2.
- Richardson et al. (U. S. Patent No. 6,575,265) teaches a planetary carrier assembly as shown in Fig. 3.
- Katou et al. (U. S. Patent No. 6,422,971) teaches a planetary carrier as shown in Fig. 1.
- Bellman et al. (U. S. Patent No. 5,382,203) teaches a planetary carrier as shown in Fig. 1.
- Laing (U. S. Patent No. 3,667,324) teaches a planetary carrier as shown in Fig. 1.
- Chen (U. S. Patent Application Publication No. US 2003/0181284 A1) teaches a planet-gear speed reducer as shown in Fig. 1.
- Japanese Patent No. JP401111804A teaches a production of planetary carrier using brazing process.
- Japanese Patent No. JP02000087118A teaches a production of planetary carrier using brazing process.
- European Patent No. EP000271416A1 teaches a planetary carrier as shown in Fig. 1.


Art Unit: 3681

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690 or 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830 or 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ddl


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ART UNIT 3681